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JOURNAL OF THE HOUSE.

Wednesday, April 27, 2005

[being a continuation of the legislative session of Monday, April 25, 2005.].

and at that time, the House was called to order with Mr. Rushing of Boston in the Chair

Wednesday, April 27, 2005 (at 10:00 o'clock A.M.).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, we believe that we live every moment of the day in Your presence. We also believe that we have access to You through prayer at all times and that You, Our Creator, are concerned with our material and spiritual needs. Open our hearts and minds to You as we address the different issues. In the pending budget, help us to make thoughtful and prudent decisions. In planning for future generations in this new age of technology, new knowledge and scientific advancement, help us to keep our goals clear and our choices ethical. In this changing world and changing culture, let our hope be sure, our courage strong and our religious commitments firm.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Rushing), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Bosley of North Adams) congratulating the Drury High School Concert and Marching Band on receiving the Disney Honors;

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) honoring David M. Benjamin and granting him the honorary title of 'Parliamentarian of Stoughton'; and

Resolutions (filed by Mr. Kafka of Stoughton) congratulating Matthew Traut-Savino on receiving the Eagle Award of the Boy Scouts of America;

Mrs. Parente of Milford, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Rogeness of Longmeadow, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Recesses.

At five minutes after ten o'clock A.M. (Wednesday, April 27), on motion of Mr. Peterson of Grafton (Mr. Rushing of Boston being in th Chair), the House recessed until eleven o'clock A.M.; and at ten minutes after eleven o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

The House thereupon took a further recess, on motion of Mr. Jones of North Reading, until a quarter before twelve o'clock noon; and at one minute before twelve o'clock the House was called to order with Mr. Petrolati in the Chair.

Guests of the House.

During the session, Mr. O'Flaherty of Chelsea took the Chair, declared a brief recess and introduced Mr. John Wall, Mayor of the town of Tralee, in County Kerry, Ireland. Accompanied by Town Clerk Michael Scannell, Mr. Michael O'Driscoll and Rose of Tralee contestant Kaitlyn Monahan from Connecticut, Mayor Wall offered brief remarks. They were the guests of Representatives O'Flaherty, Leary of Worcester, Murphy of Weymouth, Greene of Billerica, Curran of Springfield and Spellane of Worcester.

Mr. Petrolati of Ludlow then returned to the Chair, declared a brief recess and introduced Ashley Marchal, daughter of Speaker DiMasi. Ms. Marchal then offered brief remarks, introducing and welcoming to the State House the Needham High Rockets Dance Team. Accompanied by Head Coach Carol Steno, they are the 2005 National Cheer and Dance Champions in both the overall competition and jazz division. They were the guests of Representative Harkins and Senator Brown.

During the session, the Chair (Mr. Petrolati) declared a brief recess and introduced the Lynn All City Choir, under the direction of Joseph Picano. The choir, comprised of students from Lynn Classical, Lynn English and Lynn Tech High Schools, including Lynda Theresa Ralston, niece of Assistant Clerk Scott Mitchell, then performed the National Anthem.

Petitions.

Mr. Donelan of Orange presented a petition (subject to Joint Rule 12) of Christopher J. Donelan for legislation to authorize the Department of Social Services to establish a personal leave bank for Karen Campbell, an employee of said department; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Mr. Hill of Ipswich presented a petition (subject to Joint Rule 12) of Bradford Hill relative to prohibiting the use of certain vaccines and serums containing mercury; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered

forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Health. Sent to the Senate for concurrence.

Papers from the Senate.

A message from His Excellency the Governor recommending legislation relative to mandatory post-release supervision (House, No. 26) came from the Senate with the endorsement that said branch had non-concurred with the House in its reference to the committee on the Judiciary and that it had been referred, in non-concurrence, to the committee on Public Safety and Homeland Security.

On motion of Mr. O'Flaherty of Chelsea, the House then non-concurred with the Senate in its reference; and, on further motion of Mr. O'Flaherty, the House insisted on its reference to the committee on the Judiciary. Sent to the Senate for its action.

A Bill requiring special state police officers to collect certain data (Senate, No. 2040) (on Senate bill, No. 1393), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

A Bill relative to police cadets in Springfield (Senate, No. 1362) (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Stephen R. Canessa relative to designating the Andre Lopes Overpass in the city of New Bedford as the Andre Lopes Korean War Veteran Overpass. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Transportation. Sent to the Senate for concurrence.

By Mr. Murphy of Lowell, for the committee on Higher Education, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 764) of Jarrett T. Barrios, Marie P. St. Fleur, Deborah D. Blumer, Andrea F. Nuciforo, Jr. and other members of the General Court for legislation relative to in-state tuition rates and fees at public higher education institutions; and

Of the petition (accompanied by bill, House, No. 1230) of Marie P. St. Fleur and others relative to the eligibility of students for in-state tuition rates and fees at public higher educational institutions;

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1457) of Peter J. Koutoujian and others for legislation to promote proper school nutrition,- - and recommending that the same be referred to the committee on Public Health; and

By Mr. Koutoujian of Waltham, for the committee on Public Health, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2634) of Karyn E. Polito and Shirley Gomes for an investigation by a special commission (including members of the Houses) relative to long term custodial care options for cognitively intact, physically disabled adults,- - and recommending that the same be referred to the committee on Children and Families.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill validating the actions taken at an annual town meeting and special town meeting of the town of Rockland (printed in House, No. 999) be scheduled for consideration by the House. <1>Under suspension of Rule 7A, on motion of Mr. Nyman of Hanover, the bill was read a second time forthwith; and it was ordered to a third reading.

Orders of the Day.

The Senate Bill relative to the collection of certain taxes in the town of Sandwich (Senate, No. 2026) (its title having been changed by the committee on Bills in the Third Reading), reported by said committee to be correctly drawn, was read a third time, under suspension of the rules, on motion of Mr. Perry of Sandwich; and it was passed to be engrossed, in concurrence.

The House Bill relative to the payment of costs for systems of sewerage and sewage disposal in the town of Shrewsbury (House, No. 2795), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time, under suspension of the rules, on motion of Ms. Polito of Shrewsbury; and it was passed to be engrossed. Sent to the Senate for concurrence.

The House Bill making appropriations for the fiscal year 2006 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4000, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2 by striking out item 9110-1900 and inserting in place thereof the following item:

“9110-1900	For the elder lunch program; provided, that not less than \$30,000 shall be expended for a youth/elder outreach position at the Roche Family Community Center in West Roxbury	“4,482,014”;
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By striking out item 9110-1455 and inserting in place thereof the following item:

“9110-1455	For the costs of the drug insurance program authorized by section 39 of chapter 19A of the General Laws; provided, that amounts received by the department of elder affairs’ vendor as premium revenue for this program may be retained and expended by the vendor for the purposes of the program; provided further, that not less than \$600,000 shall be made available for the operation of the pharmacy outreach program established by section 4C of chapter 19A; provided further, that notwithstanding any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the department of elder affairs, and the entities with which it has contracted for administration of the subsidized catastrophic drug
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insurance program pursuant to said section 39 of said chapter 19A shall be the payer of last resort for such program for eligible persons with regard to any other third party prescription coverage or benefits available to such eligible persons; provided further, that the department of elder affairs, shall notify the house and senate committees on ways and means not less than 90 days in advance of any action to limit or cap the number of enrollees in the program; provided further, that said program is subject to appropriation and expenditures shall not exceed in fiscal year 2006 the amount authorized herein; provided further, that no action shall be taken to expand the benefits of the program, extend benefits to additional populations or reduce cost sharing in the program without approval of the General Court; provided further, that the department shall file any and all legislation required to implement such actions for review and analysis by the General Court; provided further, that the department shall take steps for the coordination of benefits with the Medicare prescription drug benefit created pursuant to the federal Medicare Prescription Drug Improvement and Modernization Act of 2003, to ensure that Massachusetts residents take advantage of said benefit; and provided further, that the department shall provide assistance for prescription drug costs to enrollees who qualify for Medicare Part D as well as assistance for premiums, deductibles, payments, and co-payments required by the Part D or Medicare Advantage plans

90,249,126”;

By striking out item 9110-1660 and inserting in place thereof the following item:

“9110-1660 For congregate and shared housing services for the elderly; provided, that not less than \$50,000 shall be expended for the congregate housing services at the Tuttle House Facility in Dorchester; and provided further, that not less than \$150,000 shall be allocated to the Committee to End Elder Homelessness, Inc

1,284,335”;

By striking out item 9110-1630 and inserting in place thereof the following item:

“9110-1630 For contracts with aging service access points or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of elder affairs may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$7,500,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without re-allocation by the department of elder affairs, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the department; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the department shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2006 which would cause a reduction in client services or the number of clients served; provided further,

that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aid services, which would cause a reduction in client services; and provided further, that the secretary of elder affairs may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1633 for case management services and the administration of the home care program; provided further, that not less than \$75,000 shall be made available for a pilot program for home health care, to be administered by Community Parish Nursing in the town of Reading

96,997,581”;

In item 9110-1633 by striking out the figures “38,377,967” and inserting in place thereof the figures “38,627,967”;

By striking out item 9110-1636 and inserting in place thereof the following item:

“9110-1636 For the elder protective services program, including protective services case management, guardianship services, the statewide elder abuse hotline, and the elder-at-risk program; provided, that not less than \$495,000 shall be expended for money management services

12,324,921”;

In item 9110-1500 by striking out the figures “38,492,876” and inserting in place thereof the figures “39,492,876”; and

In item 9110-1700 by striking out the figures “200,000” and inserting in place thereof the figures “250,000”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Correia of Fall River; and on the roll call 158 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 38 in Supplement.]

Therefore the amendments were adopted.

At a quarter after twelve o'clock noon (Wednesday, April 27), on motion of Mr. Fresolo of Worcester (Mr. Petrolati of Ludlow being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. O'Flaherty of Chelsea, until half past one o'clock P.M.; and at a quarter before two o'clock the House was called to order with Mrs. Harkins in the Chair.

Mr. Binienda of Worcester thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mrs. Harkins of Needham), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

[See Yea and Nay No. 39 in Supplement.]

Therefore a quorum was present.

Mr. Jones of North Reading and other members of the House then moved that the bill be amended by striking out section 7 [A].

After debate on the question on adoption of the amendment, Mr. DeLeo of Winthrop and other members of the House moved, there being no objection, that the amendment be amended by adding at the end thereof [at “A”] the following: “and inserting in place thereof the following section:

‘SECTION 7. Section 47 of chapter 94C of the General Laws, as appearing in the 2002

Official Edition, is hereby amended by inserting after the words “departments” in line 122 the following:—

Each such district attorney and city, town or state police department receiving said funds shall submit a report to the house and senate committees on ways and means not later than April 1 of each year detailing the use of drug forfeiture funds, so-called, received pursuant to this section. The report shall include, but not be limited to, the following: 1) amount of said funds deposited into the any such special law enforcement trust funds maintained by said offices and departments; 2) how said funds were used in the previous fiscal year; and 3) balance of said trust fund as of March 20 of each year.’.”.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call (Mr. Petrolati of Ludlow being in the Chair) 160 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 40 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the amendment offered by Mr. Jones of North Reading, et als.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 0321-2100 by striking out the figures “500,000” and inserting in place thereof the figures “550,000”;

In item 0321-2000 by striking out the figures “538,905” and inserting in place thereof the figures “585,905”.

In item 0330-0300 by adding at the end thereof the following: “; provided further, that not less than \$100,000 shall be expended from this line item for a contract with Massachusetts General Hospital for a research program on abused children”; and in said item by striking out the figures “112,520,712” and inserting in place thereof the figures “112,620,712”;

By striking out item 0330-0410 and inserting in place thereof the following item:

“0330-0410 For alternative dispute resolution services for the trial court; provided, that such services shall be made available to the extent possible in connection with child care, protection and custody proceedings in juvenile and probate courts; provided further that not less than \$44,337 shall be expended for North Central Court Services, Inc.; provided further, that not less than \$40,000 shall be expended for the North Shore Community Mediation Program in Salem; provided further, that not less than \$48,032 shall be expended for Metropolitan Mediation Services; provided further, that not less than \$36,947 shall be expended for Community Mediation of Worcester; provided further, that not less than \$62,811 shall be expended for Mediation Works, Inc; provided further, that not less than \$50,000 shall be expended for Quabbin Mediation in Athol; provided further, that not less than \$25,863 shall be expended for the Mediation and Training Collaborative of Franklin County in Greenfield; provided further, that not less than \$50,000 shall be expended for Framingham Court Mediation Services; provided further, that not less than \$42,737 shall be expended for Dispute Resolution Services, Inc., in Springfield district court; provided further, that not less than \$25,863 shall be expended for the Housing Services and Mediation Program operated by the Berkshire County Regional Housing Authority in Pittsfield; provided further, that not less than \$50,000 shall be expended for the Cape Cod Dispute Resolution Center; provided further, that not less than \$50,000 shall be expended for the Community Dispute

Settlement Center, Inc., of Cambridge; provided further, that not less than \$29,558 shall be expended for Berkshire Mediation Services inc.; provided further, that not less than \$48,031 shall be expended for the Somerville Mediation Program; provided further, that not less than \$48,032 shall be expended for the Middlesex Multi-door Court House Program; and provided further that not less than \$30,000 shall be expended for the Martha's Vineyard Mediation Program

800,000”;

In item 0330-3200 by striking out the figures “49,967,224” and inserting in place thereof the figures “50,967,224”;

In item 0330-3333 by striking out the figures “17,000,000” and inserting in place thereof the figures “15,000,000”;

In item 0330-3334 by striking out the figures “18,000,000” and inserting in place thereof the figures “20,000,000”;

In item 0332-6300 by adding at the end thereof the following: “; provided further that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize whatever space within the facility at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6.”;

In item 0337-0300 by adding at the end thereof the following: “; provided that \$145,841 shall be expended for the CASA program in Springfield Juvenile Courts”;

In item 0337-0400 by adding at the end thereof the following: “; provided further that \$72,920 shall be expended for the CASA program in the Worcester Juvenile Court”;

In item 0337-0600 by adding at the end thereof the following: “; provided further that \$91,150 shall be expended for the CASA program in the Lawrence Juvenile Court”;

In item 0337-0700 by adding at the end thereof the following: “; provided further that \$77,478 shall be expended for the Franklin/Hampshire CASA Program, including Northampton Greenfield, Orange and Ware District Courts”;

In item 0337-0800 by adding at the end thereof the following: “; provided further that \$72,920 shall be expended for the CASA program in the Plymouth County Juvenile Court”;

In item 0337-0900 by adding at the end thereof the following: “; provided further that \$54,690 shall be expended for a Berkshire CASA program in the Berkshire County Juvenile Court”;

In item 0340-0100 by adding at the end thereof the following: “; provided further, that not less than \$150,000 shall be expended for the purpose of a targeted controlled substance interdiction pilot program to be administered jointly by the district attorney for Suffolk county and the chiefs of police for the city of Revere and the town of Winthrop. Said office shall submit a report to the house and senate committees on ways and means no later than June 1, 2006 which shall include, but not be limited to, the quantity and nature of drug seizures resulting from implementation of said pilot program”;

In item 0340-0100 by striking out the figures “13,630,699” and inserting in place thereof the figures “13,917,006”;

In item 0340-0200 by striking out the figures “10,656,975” and inserting in place thereof the figures “10,763,545”;

In item 0340-0300 by striking out the figures “6,458,625” and inserting in place thereof the figures “6,523,211”;

In item 0340-0400, by striking out the figures “\$6,877,075” and inserting in place thereof the figures “\$6,945,846”;

In item 0340-0500 by striking out the figures “6,355,055” and inserting in place thereof the figures “6,418,606”;

In item 0340-0600 by striking out the figures “4,182,722” and inserting in place thereof the figures “4,224,549”;

In item 0340-0700 by striking out the figures “6,936,479” and inserting in place thereof the figures “7,005,844”;

In item 0340-0800 by striking out the figures “5,747,214” and inserting in place thereof the figures “5,804,686”;

In item 0340-0900 by striking out the figures “5,938,983” and inserting in place thereof the figures “5,998,373”;

In item 0340-1000 by adding at the end thereof the following: “; provided further that not more than \$20,000 be expended for Cape & Islands Child Advocacy Center at Children's Cove in Hyannis”;

In item 0340-1000 by striking out the figures “3,025,129” and inserting in place thereof the figures “3,055,380”;

In item 0340-1100 by striking out the figures “2,804,526” and inserting in place thereof the figures “2,832,571”; and

In item 0340-2100 by striking out the figures “1,489,204” and inserting in place thereof the figures “1,518,600”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. O’Flaherty of Chelsea; and on the roll call 159 members voted in the affirmative and 1 in the negative.

[See Yea and Nay No. 41 in Supplement.]

Therefore the amendments were adopted.

Mr. Vallee of Franklin then moved, there being no objection, that the vote be reconsidered by which the House, at the previous session, adopted amendments, offered by Mr. DeLeo of Winthrop in section 2, in items 4403-2000, etc. (see roll call number 37), and the motion to reconsider prevailed.

Pending the recurring question on adoption of the amendments, the same member moved that they be amended in proposed item 7004-0099, by striking out the following: “; provided further, that not less than \$150,000 shall be expended for Brightwood Development”; and the further amendment was adopted.

The recurring amendments, as amended, then also were adopted.

At twenty-five minutes after three o'clock P.M. (Wednesday, April 27), on motion of Mr. Kafka of Stoughton (Mr. Petrolati of Ludlow being in the Chair), the House recessed until four o'clock P.M.; and at seven minutes after four o'clock the House was called to order with Mr. Petrolati in the Chair.

The House thereupon took a further recess, on motion of Mr. Kane of Holyoke, until a quarter before five o'clock P.M.; and at five o'clock the House was called to order with Mr. Petrolati in the Chair.

The Chair (Mr. Petrolati) thereupon declared a further recess until seven o'clock P.M.; and at twenty-five minutes after seven o'clock the House was called to order with Mr. Petrolati in the Chair.

Mr. Quinn of Dartmouth and other members of the House then moved that the bill be amended in section 2, in item 6000-0100 by adding at the end thereof the following: “; provided further, that the Department shall be required on an annual basis to re-calculate the amount of town owned roadway miles and shall re-distribute Chapter 90 funds based on actual town owned roadway miles”.

Pending the question on adoption of the amendment, the same member asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mrs. Harkins of Needham being in the Chair) 160 members were recorded as being in attendance.

[See Yea and Nay No. 42 in Supplement.]

Therefore a quorum was present.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Quinn; and on the roll call 26 members voted in the affirmative and 133 in the negative.

[See Yea and Nay No. 43 in Supplement.]

Therefore the amendment was rejected.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 1599-1970 by inserting at the end thereof the following: “; provided further, that the Massachusetts Turnpike Authority shall undertake a study of the economic impact of tolling on the metropolitan highway system on commuters; provided further, that said study shall include, but not be limited to, defining the percentage of income devoted to tolls by commuters and the comparison of said impact relative to other metropolitan areas; and provided further, that said study shall be submitted to the house and senate committees on ways and means by January 1, 2006”;

By striking out item 2000-0100 and inserting in place thereof the following item:

“2000-0100 For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control chapter program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs may enter into interagency agreements with any line agency within the secretariat, whereby the line agency may render data processing services to said secretary; provided further, that the comptroller may allocate the costs for such data processing services to the several state and other funds to which items of appropriation of such agencies are charged; provided further, that said secretary shall file a plan with the house and senate committees on ways and means 20 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the secretary shall file a plan with the house and senate committees on ways and means and to the joint committee on the environment, natural resources and agriculture 90 days prior to the initiation of any proposal or plan that would consolidate any function with any of

the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the plan shall include, but not be limited to the following: (1) an identification of the employees that would be affected by consolidation and the item of appropriation that they are paid from, (2) the savings or efficiencies to be realized, (3) the improvements to the services expected, and (4) the source and amount of funding necessary to accomplish the consolidation; and provided further, that the secretary shall provide a 90 day notice prior to the implementation of any memorandum of understanding, interagency service agreements, or other contacts, or agreements that would enable such consolidation of services to take place; provided further, that not less than \$100,000 shall be expended by a coastal shore water testing program administered by the Coalition for Buzzards Bay; provided further, that \$75,000 shall be expended for a study of traffic patterns during rush hour commutes on DCR controlled roadways serving Lynn, Swampscott and Nahant; provided further, that not less than \$40,000 shall be expended for the completion of a comprehensive cost study of a master plan for the maintenance and improvement of all property under the care, custody and control of the division in the West Roxbury section of the City of Boston including such measures but not limited to the planting, pruning, reforestation, enhancement of pedestrian access walks and the removal of leaves, snow and debris in said property; provided further, that the executive office shall conduct a study on the severity of invasive weeds in the Commonwealth's bodies of natural water; provided further, that said study shall include, but not be limited to the costs associated with full clean-up and eradication, a priority list of projects, an analysis of future environmental concerns stemming from invasive weeds, and plans for communities to prevent future growth of invasive weeds; provided further, that the executive office shall also conduct a study of the advantages and disadvantages of future maintenance of invasive weeds in the state; and provided further, that the executive office shall report to the general court the results and recommendations, if any, together with drafts of legislation necessary to carry out recommendations into effect by filing the same with the clerk of the house of representatives, the house and senate committees on ways and means, and the joint committee on environment, natural resources and agriculture on or before the last Wednesday of February 2006

5,501,905”;

In item 2010-0100 by striking out the figures “2,140,647” and inserting in place thereof the figures “2,340,647”;

By striking out item 2030-1000 and inserting in place thereof the following item:

“2030-1000 For the operation of the office of environmental law enforcement; provided, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; provided further, that funds from this item shall not be expended for the purposes of item 2030-1004; and provided further, that not less than \$100,000 shall be expended for the cost of patrols performed by environmental law enforcement officers within properties controlled by the division of state parks and recreation

9,913,746”;

By striking out item 2030-1004 and inserting in place thereof the following item:

“2030-1004 For environmental police private details; provided that the office may expend revenues of up to \$250,000 collected from fees charged for private details; provided further that notwithstanding the provisions of any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system 250,000”;

By striking out item 2200-0100 and inserting in place thereof the following item:

“2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that that \$168,000 shall be expended for sediment control in Lake Webster; provided further, that \$25,000 shall be expended to investigate the contamination of the Barnes Aquifer, located in the towns of Southamptton and Easthampton and the cities of Holyoke and Westfield, provided further, that the department shall provide an overview of the extent of contamination and estimated cost to provide potable water to all effected residents to the House and Senate committees on ways and means no later than March 1, 2006; provided further, that not less than \$100,000 shall be expended by DEP to complete the collaborative effort among EOEA, DCR, Mass Highway and the Massachusetts Historic Commission to complete and publish the final document “Historic Parkways Preservation Treatment Guidelines; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws 28,866,935”;

By striking out item 2220-2220 and inserting in place thereof the following item:

“2220-2220 For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto related state implementation program, the low emission vehicle program, the non-auto related state implementation program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions; provided, that not less than \$100,000 shall be expended on a study of extending the MBTA Green Line to Somerville and Medford as is obligated under the State Implementation Plan 1,001,064”;

In item 2260-8870 by striking out the figures “14,211,075” and inserting in place thereof the figures “14,311,075”;

In item 2300-0101 by striking the figures “415,905” and inserting in place thereof the figures “433,905”;

By striking out item 2310-0200 and inserting in place thereof the following item:

“2310-0200 For the administration of the division of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds may be expended to supplement the natural heritage and endangered species program; and provided further, that \$50,000 in matching funds shall be provided to the National Marine Life Center for wetland restoration 8,420,362”;

Inland Fisheries and Game Fund 100.0%

In item 2320-0100 by striking out the figures “370,760” and inserting in place thereof the figures “445,760”;

By striking out item 2330-0100 and inserting in place thereof the following item:

“2330-0100 For the operation of the division of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance and for the operation of the Newburyport Shellfish Purification Plant and shellfish classification program; provided, that funds shall be expended for the joint operation of a shellfish propagation program on Cape Cod between the division and the Barnstable County Department of Health and the Environment; provided further, that the sum expended for the School for Marine Science and Technology for research to minimize the economic impact of new fisheries management regulations shall not be reduced from fiscal year 2005 levels except in proportion to adjustments consistent with the department's budget adjustments; and provided further, that not less than \$45,000 shall be expended for shellfish propagation on the islands of Martha's Vineyard and Nantucket to be administered jointly by the state aquaculture coordinator, the Martha's Vineyard Shellfish Group, Inc. and Nantucket County 3,716,824”;

In item 2511-0100 by striking out the figures “3,589,711” and inserting in place thereof the figures “3,732,692”;

By striking out item 2800-0100 and inserting in place thereof the following item:

“2800-0100 For the operation of the department of conservation and recreation; provided, that said department shall enter into an interagency service agreement with the department of state police to provide police coverage on department of conservation and recreation properties and parkways; provided further, that not less than \$100,000 shall be expended within thirty days of receipt of said funds, for the maintenance of the facility and animal upkeep of the mounted unit in the Blue Hills Reservation, which are not subject

to said reimbursement to the Department; provided further, that the department of state police shall reimburse said department of conservation and recreation for costs incurred by said department including, but not limited to vehicle maintenance and repairs, the operation of department of state police buildings and other related costs; provided further, that notwithstanding the provisions of any general or special law to the contrary, all offices and positions of the division performing construction activities for the department of conservation and recreation shall be subject to classification under sections 45 to 50, inclusive, of chapter 30 of the General Laws; provided further, that notwithstanding the provisions of section 3B of chapter 7 of the General Laws, the department is hereby authorized and directed to establish or renegotiate fees, licenses, permits, rents and leases, and to adjust or develop other revenue sources to fund the maintenance, operation, and administration of said department; provided further, that an annual report shall be submitted to the house and senate committees on ways and means regarding fee adjustments not later than February 14, 2006; provided further, that notwithstanding the provisions of any general or special law or administrative bulletin to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the operational services division; provided further, that no funds shall be expended from this item for personnel overtime costs; provided further, that any employee paid from this item as of August 1, 2004, that was included in the report required from said item in chapter 149 of the acts of 2004, and any employees assigned to that item after August 1, 2004, shall not be paid from any other item of appropriation; provided further, that the department of conservation and recreation shall provide the house and senate committees on ways and means with a 30 day notice before any inter subsidiary transfers or interagency service agreements and the reason for said transfer; provided further, that no funds shall be expended for deputy commissioner positions; provided further, that no funds shall be expended for deputy associate commissioners; provided further, that the department shall maintain and retain all operations, programs, real property and employees related to the Connecticut River Action Program to promote the conservation and protection of the unique natural resources present in the Connecticut River Valley; provided further, that the department of conservation and recreation shall file a report with the house and senate committees on ways and means not later than October 6, 2005 detailing the merger of the former metropolitan district commission with the former department of environmental management into the department of conservation and recreation; provided further, that said report shall include, but not be limited to, the following: (1) the names, salaries, designated by fiscal year, and the positions of all full time equivalent, so-called personnel that were scheduled to be paid out of item 2800-0100 as of September 1, 2003, March 1, 2004, August 1, 2004, March 1, 2005 and August 1, 2005, (2) the job descriptions, employee name, current job title, and the item of appropriation said employees were assigned to in fiscal years 2002 and 2003 and the item of appropriation that they are currently funded from, (3) a list by object class and object code of all expenditures or allocations from items of appropriations under the executive office of environmental affairs in fiscal years 2004 and

2005 on the commonwealth development coordinating council, (4) a list of all deputy commissioners and deputy associate commissioners, their annual salaries and their duties, (5) the number of full time equivalent positions, so-called, that have been eliminated due to said merger, including the name, position, annual salary and documentation that said employee is no longer employed by the department because their position had been eliminated by the merger, (6) any efficiencies that have been achieved from said merger, including a list of internal support services such as finance, human resources, planning, engineering, and management, (7) a list of the staff that were reassigned or terminated because of the merger, (8) details of how the management staff have been reassigned and how they have adopted to said merger, (9) a list of all duplicative efforts and inefficient systems that have been eliminated, (10) a list of any resources that have been shared such as vehicles, heavy equipment, and computer systems, (11) a list of any other efficiencies that have been achieved because of the merger; and provided further, that said secretary shall file a report on the number of employees funded through capital authorizations with the house and senate committees on ways and means not later than October 6, 2005, that shall include, but not be limited to, the following: (1) the number of full time equivalent positions so-called, delineated by fiscal year, item of appropriation and position number, job title and job code for that have been funded from capital authorizations for fiscal years 2001 to 2006 inclusive, for every item of appropriation under control of said secretary, (2) every program that has been funded from capital authorizations for fiscal years 2001 to 2006 inclusive delineated by fiscal year, program and item of appropriation and, (3) detail every full time equivalent, so-called and program that has been moved to capital authorizations since fiscal year 2001

4,650,304”;

By striking out item 2800-0101 and inserting in place thereof the following item:

“2800-0101 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department and the office of water resources in the department of conservation and recreation; provided, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the General Fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts Water Resources Authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that \$40,000 shall be expended for aquatic weed control in the Mystic Lakes region of Winchester; provided further however that not less than \$100,000 shall be expended for a comprehensive study, including management plan, for the Taunton River Basin, in accordance with the Executive Office of Environmental Affairs “Proposal for Watershed work Affecting Water Quality-Wastewater Quality-Wastewater Discharges and Stormwater Discharges” dated 2/11/03 to be conducted by the Old Colony Planning Council; provided further, that not less than \$100,000 shall be expended for a grant to the town of Hopkinton for a detailed investigation of North Pond Dam/Lake Maspenock Dam located in the towns of Hopkinton,

Milford, and Upton to determine the extent of seismic testing necessary at said facility and to perform such Seismic testing for Liquefaction and/or other Seismotectonic testing as may be recommended by said investigation; and provided further, that \$48,000 shall be expended for the flood control activities undertaken by the Thames River Valley communities of Massachusetts in conjunction with the state of Connecticut

1,487,489”;

By striking out item 2800-0200 and inserting in place thereof the following item:

“2800-0200 For the operation of the Commonwealth Zoological Corporation pursuant to chapter 92B of the General Laws; provided, that funds appropriated in this item shall be expended for the purposes of promoting private fundraising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means not later than February 1, 2006 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts Zoos Business and Operations Plan, dated December, 1996; provided further, that \$50,000 shall be expended for the Buttonwood Park Zoological Society to establish educational programs, exhibits, and other establishments; and provided further, that the corporation shall continue to provide free services and supplies including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill Center in the town of Milton

6,000,000”;

By inserting after item 2800-0200 the following item:

“2800-0400 For a program to provide stormwater management for all properties and roadways under the care, custody and control of the Department of Conservation and Recreation; provided, that the department shall develop and implement a stormwater management program in compliance with federal and state stormwater management requirements; provided further, that the department shall inventory all existing stormwater infrastructure, assess its current stormwater practices, analyze long term capital and operational needs, and develop a stormwater management plan to comply with federal and state regulatory requirements; provided further, that in order to protect public safety and to protect water resources for water supply, recreational and ecosystem uses, the department will immediately implement interim stormwater management practices including but not limited to street sweeping, inspection and cleaning of catch basins, and emergency repairs to roadway drainage.....

500,000”;

By striking out item 2810-0100 and inserting in place thereof the following item:

“2810-0100 For the operation of the division of state parks and recreation; provided, that funds appropriated herein shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches, pools, and, for the oversight of rinks, to

protect and manage the division's lands and natural resources including the forest and parks conservation services and the bureau of forestry development; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that the department is authorized to issue grants to public and non-public entities from this item; and provided further, that the level of funding for the beaches from this item in fiscal year 2006 shall not be reduced from fiscal year 2005

18,978,810”;

By striking out item 2810-0300 and inserting in place thereof the following item:

“2810-0300 For the beaches under the control of the department of conservation and recreation; provided, that the department shall file a report with the house and senate committees on ways and means not later than November 1, 2005 that shall include, but not be limited to, the following: (1) the amount of funding provided to every beach under the control of the department in fiscal years 2004 and 2005, (2) a breakdown of how said funds were spent for every beach and the services that were provided, (3) the items of appropriation used to provide funding, (4) the amount of funding that will be provided for every beach in fiscal year 2006 from this item, and (5) a list of the services or materials for each beach that will be provided from this item; provided further, that not less than \$35,000 shall be expended for the cleanup of *Pilayella* algae on the Nahant Beach Reservation; and provided further, that not less than \$250,000 shall be appropriated to the Middlesex Canal Commission

1,035,000”;

By striking out item 2810-2040 and inserting in place thereof the following item:

“2810-2040 The division of state parks and recreation may expend revenues collected up to a maximum of \$4,454,826 from fees charged by the division, including revenues collected from campsite reservation transactions from the automated campground reservation and registration program for additional expenses, upkeep and improvements to the parks and recreation system of the division; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system; provided further, that no expenditures made in advance of the receipts shall be permitted to exceed 75 per cent of the amount of revenues projected by the first quarterly statement required by section 1B; provided further, that the comptroller shall notify the house and senate committees on ways and means at the time subsequent quarterly statements are published of the variance between actual and projected receipts in each such quarter and the implications of that the variance for expenditures made; and provided further, that the division may issue grants to public and nonpublic entities from this item

4,454,826”;

By striking out item 2820-0100 and inserting in place thereof the following item:

“2820-0100 For the administration, operation and maintenance of the division of urban parks and recreation including, the maintenance, operation

and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, flood control activities of the division, purchase of all necessary supplies and related equipment, and the civilianization of crossing guards located at division intersections where state police previously performed such duties; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that \$60,000 shall be expended for funding of current employees of the Bureau of Forest Fire Control under their new reclassification Firefighter Series; provided further, that \$45,000 shall be allocated for a private contractor to maintain the DCR Lynn Shore Drive facility; provided further, that \$40,000 shall be expended for a traffic study administered by the commissioner of the department of conservation and recreation to improve public safety along Nonantum Road and adjacent parklands, including developing alternatives for narrowing the parkway cross-section, alternatives for safety improvements at the intersections of Charlesbank Road and Maple Street, alternatives for landscape, pathway, lighting, and drainage improvements, and a schedule and cost estimate for the design and construction of the recommendation; provided further, that the Commissioner shall report progress to the Stewardship Council at each meeting until the study reaches completion; provided further, that the Commissioner shall ensure public input through two public hearings held in Newton and Watertown during the study - one prior to the initial recommendation, one after release of the initial recommendation but prior to the final recommendation; provided further, that the Commissioner shall ensure public awareness by publishing quarterly progress reports on the Department of Conservation and Recreation website's press release section; provided further, that upon completion of the study, the Commissioner shall deliver the recommendation of the study along with a report addressing public opinion not reflected in the recommendation to the Stewardship Council; provided further, that the Commissioner shall develop a capital project plan to enact the recommendation of the traffic study, including design and implementation; provided further, that the Commissioner shall submit this plan for the next fiscal year budget following the completion of the traffic study; provided further, that \$250,000 shall be expended for the creation and maintenance of a linked trail system for local and state parks along the Back River in the towns of Weymouth and Hingham to complete the project created in chapter 149 of the acts of 2004; provided further, that not less than \$297,000 shall be expended for the operation of the James Michael Curley Recreation Center in Boston; provided further, that not less than \$225,000 shall be expended for the southwest corridor park; provided further, that not less than \$3,902 shall be expended on additional school crossing guards for the corner of Mystic Avenue and Shore Drive in the city of Somerville; provided further, that not less than \$250,000 shall be expended for Camp Meigs located in the Readville section of the city of Boston; provided further, that

not less than \$250,000 shall be expended for a study on the Neponset river master plan; and provided further, that the level of funding for the beaches from this item in fiscal year 2006 shall not be reduced from fiscal year 2005

22,891,105”;

By striking out item 6000-0100 and inserting in place thereof the following item:

“6000-0100 For the office of the secretary of transportation; provided, that the office shall collaborate with the department of transitional assistance in its efforts to develop a program of transportation services for current and former recipients of the transitional aid to families with dependent children program pursuant to item 4401-1000; provided further, that the office shall submit to the joint committee on transportation and the house and senate committees on ways and means monthly reports detailing projects funded through the statewide transportation improvement program including, but not limited to, the location of the projects, the cost of the projects, the date of advertisement of the projects, the commencement date of the projects, the projected completion date of the projects and the source of funds for the projects; provided further, that the office shall also provide the committees with quarterly reports detailing construction and reconstruction projects on town and county ways as described in paragraph (a) of clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws for which municipalities are projected to seek, have filed claims or have been paid state reimbursement; provided further, that a city or town shall comply with the procedures established by the secretary to obtain the necessary information to produce the reports; provided further, that the reports shall include, but not be limited to, the cost of the projects by city or town, the source of funding of the projects by city or town and the commencement and completion dates of the projects by city or town; provided further, that the secretary of the executive office of transportation, in collaboration with the commissioner of highways, shall file a report each year with the joint committee on transportation and the house and senate committees on ways and means by June 30, 2006; provided further, that the report shall include spending in the commonwealth through the statewide road and bridge program, the Chapter 90 program, the Small Town Road Assistance Program and all other programs expending funds for road and bridge projects within the commonwealth; provided further, that the report shall detail the location of the project by city or town, a brief project description, the project cost, the expected completion date, the source of funding and any other information deemed necessary; provided further, that the office shall submit to the house and senate committees on ways and means quarterly reports detailing all personnel-related expenditures made from capital funds; provided further, that the reports shall delineate for the executive office and for each agency, board, authority or commission under its control, the amounts paid in the prior quarter as compensation for each type of position assigned to capital projects that were charged to each such funding source; provided further, that the reports shall also delineate by funding source any other amounts paid for personnel-related costs that were charged to those funds, including payroll allocations for budgetary employees, fringe recovery and other chargebacks; provided further, that the reports shall identify the number of full time equivalent personnel

classified in each position type; provided further, that the reports shall list all employees who are paid from this item and items 6010-0001, 6010-0002 and 6006-0003 who also receive payments from any capital funds; provided further, that the reports shall include for each of those employees how much money the employees receive from the items and how much money each employee receives from any capital funds; provided further, that the reports shall delineate the information for full-time employees, part-time employees and contracted personnel; provided further, that not withstanding any general or special law to the contrary, rules or regulations promulgated by the Outdoor Advertising Board, pursuant to section 29 of chapter 93 shall not prohibit the repair, modification, reconstruction or replacement of a pre-existing billboard, sign or other advertising device if the sole reason for such repair, modification, reconstruction or replacement is the termination of a contract, rental agreement or lease agreement between the owner of the land here said pre-existing billboard, sign or advertising device is located and a person, firm, association or corporation engaged in the outdoor advertising business who is not an owner of said land; provided further, that the billboard, sign or other advertising remains the same size and dimension and shall not be substantially more detrimental than the pre-existing billboard, sign or other advertising was immediately before said repair, modification, reconstruction or replacement; provided further, that said repair, modification, reconstruction or replacement of said pre-existing billboard, sign or other advertising device shall occur within 60 days of the termination of said contract, rental agreement or lease agreement; and provided further, that agencies within the executive office may, with the prior approval of the secretary, streamline and improve administrative operations pursuant to interdepartmental service agreements

204,158”;

Highway Fund 100.0%

By inserting after item 6000-0110 the following item:

“6000-0200 For the inter-district transportation program; provided, that this program shall include, but not be limited to, bus routes Lift 5, 6, and 7, so-called, Gulbankian Bus Line and Cavalier Coach Post Road Line; provided further, that said program shall be administered by the executive office of transportation; provided further, that the executive office of transportation is hereby authorized and directed to negotiate an extension of all existing contracts for this fiscal year; provided further, that prior to the execution of said extensions, and at the end of fiscal year 2006, the executive office shall request and contractor shall provide all necessary books, materials, records and other compilations of data from each contractor to establish the appropriate state subsidy associated with each bus route; and provided further, that said compilations of data shall be made available to the senate and house committees on ways and means and the joint committee on transportation

1,500,000”;

In item 6005-0015 by striking out the figures “49,182,640” and inserting in place thereof the figures “50,182,640”;

By striking out item 6010-0001 and inserting in place thereof the following item:

“6010-0001

For personnel costs of the department of highways, for certain administrative and engineering expenses and equipment of the highways commission, the office of the commissioner of highways, the division of administrative services, highway engineering, highway maintenance, highway construction, the outdoor advertising board, district and other highway activity offices, materials, supplies, fleet maintenance and equipment, general maintenance and equipment and the maintenance and operation of state highways and bridges, and for the costs associated with the global positioning system program; provided, that no expenditures shall be made from the AA object class; provided further, that notwithstanding any general or special law to the contrary, the department may expend from capital authorizations amounts necessary to cover operational costs of the department in excess of amounts appropriated in this item to ensure that adequate staffing levels are maintained to support the services and programs offered by the department; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means detailing all amounts expended on bond-funded capital projects under the jurisdiction of the department, and for all administrative and personnel expenses of the department charged to such bonds; provided further, that such reports shall be filed not later than 30 days after the end of each quarter; provided further, that notwithstanding any administrative bulletin or general or special law to the contrary, the department shall not pay any fees charged for the leasing or maintenance of vehicles to the division of operational services; provided further, that the department shall not be subject to section 36A of chapter 30 of the General Laws and section 22 of chapter 7 of the General Laws, but shall submit to the secretary of transportation for approval requests to repair vehicles costing in excess of the limit set forth in said section 22 of said chapter 7; provided further, that the costs of routine highway maintenance provided by private and union workers in contract areas, 1A, 1B, 2A, 2B, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 5A, 5B, and 5C and for costs associated with police services and overtime within the areas shall be paid from this item; provided further, that \$90,000 shall be made available for all contractual contingency costs associated with highway maintenance in said areas; provided further, that portions of state highway routes 1A, 129, 129A, 114, and 127 in the cities of Lynn, Salem, Beverly and Gloucester and the towns of Swampscott, Marblehead, and Manchester-by-the-Sea, and Rockport hereby be designated as a state scenic byway; and provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing for each contract area expenditures for the costs of contractual contingency fees, personnel, police services, overtime, materials, and vehicle repair

15,281,640”;

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Smizik of Brookline; and on the roll call 158 members voted in the affirmative and 2 in the negative.

[See Yea and Nay No. 44 in Supplement.]

Therefore the amendments were adopted.

The Chair (Mrs. Harkins of Needham) then placed before the House the question on suspension of Rule 1A in order that the House might continue to meet beyond the hour of nine o'clock P.M.

On the question on suspension of Rule 1A, the sense of the House was taken by yeas and nays, as required under the provision of said rule; and on the roll call 126 members voted in the affirmative and 33 in the negative.

[See Yea and Nay No. 45 in Supplement.]

Therefore Rule 1A was suspended.

Mr. DeLeo of Winthrop and other members of the House then moved that the bill be amended in section 2, in item 8000-0000, in line 8, by inserting after the word "General" the following:—" , 1 of whom shall be a representative of organized labor and 1 of whom shall be a representative of management and chapters 268A and 268B of the General Laws shall not apply to members of the commission who are not otherwise subject to said chapters 268A and 268B and provided, further, that the commission shall not be subject to sections 11A and 11A1/2 of chapter 30A of the General Laws"

By striking out item 8000-0010 and inserting in place thereof the following item:

"8000-0010 For community policing grants to be administered by the executive office of public safety; provided, that no such grants shall be awarded to the department of state police; provided further, that any community earmarked to receive community policing funds in item 8000-0010, in section 2 of chapter 26 of the acts of 2003, including funds allocated by section 67 of chapter 140 of the acts of 2003, or in item 7003-0702 in section 2 of chapter 149 of the acts of 2004, shall receive 100 per cent of the amount so earmarked in fiscal year 2006; provided further, that grants shall only be expended on items that are related to community policing activities, programs, purchases or construction; provided further, that grant funds shall not be expended on food and beverages, recruit training academy tuition, salaries and benefits for non-community policing personnel or payments for non-related overtime; provided further, that not less than \$25,000 shall be made available for the safe use of the neponset river bicycle path in the town of Milton; and provided further, that not later than March 15, 2006 the executive office of public safety shall submit a report to the house and senate committees on ways and means detailing the amount of grants awarded to these grant recipients and descriptions of these grants

20,292,596";

By striking out item 8100-0000 and inserting in place thereof the following item:

"8100-0000 For the administration and operation of the department of state police; provided, that the department shall expend funds from this item for the purposes of maximizing federal grants for the operation of a counter-terrorism unit; provided further, that the department shall maintain the division of field services which shall include, but not be limited to, the bureau of metropolitan district operations; provided further, that not fewer than 40 officers may be provided to the department of conservation and recreation for the purpose of patrolling the watershed property of said department; provided further, that funds shall be expended from this item for the administration and operation of an automated fingerprint identification system and the motor carrier safety assistance program; provided further, that not fewer than 5 officers shall be

provided to the disabled persons protection commission for the purpose of investigating cases of criminal abuse; providing further, that the amount of \$75,000 shall be expended for the 5-A Program, so called, in Springfield; provided further, that the department may enter into an interagency agreement with the department of conservation and recreation to provide police coverage on department properties and parkways; provided further, that the creation of a new or the expansion of the existing statewide communications network shall include the office of law enforcement in the executive office of environmental affairs, department of fisheries, wildlife and environmental law enforcement at no cost to, or compensation from, that office; provided further, that not less than \$2,328,946 shall be expended for the payroll costs of the state police directed patrols; provided further, that any community that was selected to receive earmarked funds in fiscal year 2005 shall receive 100 per cent of the amount so earmarked in fiscal year 2006; provided further, that not less than \$750,000 shall be expended to curb gang-related activities in the cities of Boston, Brockton, Chelsea, Lawrence, Revere, Springfield and Worcester; and provided further, that the department may expend funds appropriated in this item for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the office of the chief medical examiner, the criminal justice training council and the criminal history systems board

208,943,233”;

By striking out item 8200-0200 and inserting in place thereof the following item:

“8200-0200 For the operation of veteran, reserve and in-service training programs conducted by the Massachusetts criminal justice training council; provided, that the council shall expend not less than \$250,000 in accordance with chapter 30B of the General Laws, for training and technical assistance for chiefs of police and administrative or command personnel by: a) a combination of training manuals, seminars, computer based training and distance learning; b) research, drafting and mailing of monthly articles and presentations on legal and administration topics; c) training presentations during and following monthly meetings of policy chiefs; d) e-mail, toll-free consultation to chiefs on administrative issues and follow-up on seminar topics; and e) a state-wide 3 day training conference on management, legal and leadership issues; provided further, that under no circumstances shall any expenditures authorized by this item be charged to item 8200-0222; provided further, that not less than \$50,000 shall be expended for the purpose of a feasibility study of a multi-use public safety structure in the town of Paxton; provided further, that not less than \$25,000 be provided to the Municipal Police Training Academy located in the town of Boylston for the purpose of increased rental, maintenance and utility costs to be paid to the town of Boylston; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item

3,069,814”;

By striking out item 8324-0000 and inserting in place thereof the following item:

“8324-0000 For the administration of the department of fire services, including the

state fire marshal's office, the hazardous materials emergency response program and the Massachusetts firefighting academy, including the Massachusetts fire training council certification program, municipal and non-municipal fire training, and expenses of the council; provided, that the fire training program shall use the split days option; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the administration of the department of fire services, the state fire marshal's office and the Massachusetts firefighting academy shall be assessed upon insurance companies writing fire, homeowners multiple peril or commercial multiple peril policies on property situated in the commonwealth and paid within 30 days after receiving notice of such assessment from the commissioner of insurance; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amount appropriated in this item for the operation of the hazardous materials emergency response program shall be assessed upon insurance companies writing commercial multiple peril, non-liability portion, policies on property situated in the commonwealth and commercial auto liability policies as referenced in line 5.1 and line 19.4, respectively, in the most recent annual statement on file with the commissioner of insurance; provided further, that \$100,000 shall be expended to Norfolk County for the purpose of the establishment of the Norfolk County dispatch center at the Massachusetts Hospital School in Canton; provided further, that notwithstanding any general or special law to the contrary, funds scheduled in the PP object class, pursuant to section 27 of chapter 29 of the General Laws for this item in fiscal year 2006 shall not be transferred to any other object class in said fiscal year; provided further, that not more than 10 per cent of the amount designated for the arson prevention program shall be expended for the administrative costs of the program; provided further, that the expenses of the board of fire prevention regulations, pursuant to section 4 of chapter 22D of the General Laws, shall be paid from this item; provided further, that the expenses of the fire safety commission shall be paid from this item; and provided further, that not less than \$100,000 be expended for the administration of a statewide program to provide for critical incident stress intervention for the fire departments of the cities, towns, and fire districts of the commonwealth including, but not limited to, consultant services, training, equipment, and supplies

9,834,760”;

In item 8400-0001 by striking out the figures “46,238,029” and inserting in place thereof the figures “46,488,029”;

By striking out item 8800-0300 and inserting in place thereof the following item:

“8800-0300 For environmental monitoring of the nuclear power plant in Seabrook, New Hampshire including a continuous real-time radiological monitoring system for Massachusetts cities and towns located within the emergency planning zone of the nuclear power plant; provided, that the cost of this item, including any applicable fringe benefits and indirect costs, shall be assessed on electric companies in Massachusetts which own, in whole or in part, or purchase power from the Seabrook nuclear power plant; provided further, that the department of telecommunications and energy shall

develop an equitable method of apportioning such assessments among the licensees; provided further, that such assessments shall be paid during the current fiscal year as provided by the department; provided further, that for the purposes of said item, electric companies shall be defined as all persons, firms, associations and private corporations which own or operate works or distribute electricity in the commonwealth; provided further, that the term "electric companies" shall not include municipalities or municipal light plants; provided further, that not less than \$75,000 shall be expended for the upgrading and installation of updated monitoring equipment for C-10 of Newburyport this expense shall be apportioned according to the formula stated above; and provided further, that the department shall report to the house and senate committees on ways and means not later than March 1, 2006 the results of the monitoring project between the department and the citizens monitoring group, including but not limited to, the reasons for increases and decreases in radiation levels

165,356";

By striking out item 8900-0001 and inserting in place thereof the following:

"8900-0001 For the operation of the commonwealth's department of correction; provided, that the department shall expend not less than \$1,008,500 to cities and towns hosting facilities; provided further, that one-half of the number of inmates incarcerated at Souza Baranowski correctional center shall be deemed to be incarcerated within a correctional facility in the town of Shirley and one-half shall be deemed to be incarcerated within a correctional facility in the town of Lancaster; provided further, that before closing any correctional facility, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety on the per-inmate cost of incarceration in the closing facility, and the per-inmate cost in the facilities to which inmates will be moved; provided further, that the department shall expend not less than \$500,000 to the community hosting the facility at Cedar Junction; provided further, the commissioner of corrections and the secretary of public safety shall report to the committees on ways and means and public safety and homeland security before January 1 of each year the point score compiled by the department of correction's objective classification system for all prisoners confined in each prison operated by the department; provided further, that not less than \$40,000 shall be provided for the Dismas House, so-called, in the city of Worcester; provided further, that not less than \$100,000 be spent to conduct a comprehensive study of resources and best practices that develop and strengthen the family connections of women inmates and their children; and provided further, that the department may expend funds appropriated herein for the administration of budgetary, procurement, fiscal, human resources, payroll and other administrative services of the military division, the Massachusetts parole board and the sex offender registry board

430,764,325";

In item 8910-0000, in line 106, by inserting after the word "revenues" the following: "; provided further, that notwithstanding the provisions stated in this item, the maintenance of effort obligations for Suffolk county shall be 4 per cent of the total fiscal year 2006 Suffolk

county correction operating budget as approved by the county government finance review board”;

By striking out item 8910-6619 and inserting in place thereof the following item:

“8910-6619 The Essex Sheriff's department may expend for the operation of the department an amount not to exceed \$2,000,000 from revenues received from federal inmate reimbursements; provided, that \$150,000 from the reimbursements shall not be available for expenditure and shall be deposited quarterly into the general fund before the retention by the department of any of these revenues as certified by the comptroller; provided further, that said quarterly payments shall total \$600,000 in fiscal year 2005 and provided further, that said sheriff may expend from this item costs associated with joint federal and state law enforcement activities from federal reimbursements received; that notwithstanding any general or special law to the contrary, for purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system 2,000,000”;

By striking out item 8910-7100 and inserting in place thereof the following item:

“8910-7100 The Massachusetts Sheriffs' Association may expend for the operation of said association an amount not to exceed \$286,000 from revenues received from voluntary contributions from state and county sheriffs; provided, that the sheriffs shall appoint persons to serve as executive director, assistant executive director and research director and other staff positions as necessary to the Massachusetts Sheriffs' Association for the purpose of coordination and standardization of services and programs, the collection and analysis of data related to incarceration and recidivism and generation of reports, technical assistance and training to ensure standardization in organization, operations, and procedures; provided further, that this staff shall not be subject to section 45 of chapter 30 or to chapter 31 of the General Laws and shall serve at the will and pleasure of a majority of sheriffs; provided further, that the 14 sheriffs of the commonwealth shall form an agreement to fund the costs of this item in future fiscal years; provided further, that the executive director of the Association shall submit a report that shows the amounts of all grants awarded to each sheriff in fiscal year 2006; and provided further, that the report shall be submitted to the house and senate committees on ways and means not later than February 1, 2006 286,000”; and

In item 8950-0001 by striking out the figures “13,336,481” and inserting in place thereof the figures “13,436,481”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. O'Flaherty of Chelsea; and on the roll call 159 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 46 in Supplement.]

Therefore the amendments were adopted.

Recess.

At five minutes after ten o'clock P.M. (Wednesday, April 27), on motion of Mrs. Haddad of Somerset (Mrs. Harkins of Needham being in the Chair), the House recessed until the hour of eleven o'clock A.M. on Thursday, April 28; Thursday, April 28, 2005 (at 11:00 o'clock A.M.).